



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: December 27, 2007

CBCA 720, 721, 722, 723, 724, 725, 726, 727

ACQUEST GOVERNMENT LEASES, LLC,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Edward V. Gregorowicz, Jr., and James P. Connor of the Law Offices of Edward V. Gregorowicz, Jr., Fairfax, VA, counsel for Appellant.

Dalton F. Phillips and Leonard E. Lucas III, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **GILMORE**, and **POLLACK**.

DANIELS, Board Judge.

Acquest Government Leases, LLC (Acquest), owns and operates commercial real property known as the Niagara Center in Buffalo, New York. Acquest leases office and related space in the Niagara Center to the General Services Administration (GSA) for occupancy by various Government tenants.

Acquest submitted to the appropriate GSA contracting officer claims under five separate leases for space in the Niagara Center. Three of the claims, totaling \$1,229,791, involved costs for overtime use of heating, ventilating, and air conditioning (HVAC). Five of the claims, totaling \$599,417, involved the impact on HVAC costs of modifications

directed by the Government to the layout of office space. The contracting officer denied all eight claims. Acquest appealed the decisions. The Board docketed the appeals of the denials of the first three claims as CBCA 720, 721, and 722, and the appeals of the denials of the last five as CBCA 723, 724, 725, 726, and 727.

Acquest and GSA have now filed a Joint Motion for Stipulated Award. In this motion, they ask the Board to enter judgment for Acquest in the eight appeals in the amount of \$500,000. The parties state that they “agree that the \$500,000.00 lump sum Stipulated Award is inclusive and in full satisfaction of any applicable costs, attorney fees, and interest relating to the dispute and/or claims in CBCA Nos. 720 to 727.” The parties also state that “upon entry of the requested Stipulated Award, (1) they will not seek reconsideration of, or relief from, the Board’s Decision, and (2) they will not appeal the Decision.”

Decision

The appeals are **GRANTED IN PART**. The General Services Administration shall pay to Acquest Government Leases, LLC, the sum of \$500,000. Rule 25(b). This sum shall be paid from the permanent indefinite judgment fund. 31 U.S.C. § 1304 (2000).

STEPHEN M. DANIELS
Board Judge

We concur:

BERYL S. GILMORE
Board Judge

HOWARD A. POLLACK
Board Judge